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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,095	12/31/2001	Katsuya Sakaguchi	P/3117-31	8847
32172	7590	07/21/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			CAI, WAYNE HUU	
		ART UNIT	PAPER NUMBER	
		2681		

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,095	SAKAGUCHI ET AL.	
	Examiner Wayne Cai	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 December 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/31/2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because figure 3b and 3c do not have any reference characters to indicate which part is corresponding to the reference characters shown in figure 3a. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franck et al (US - 6,397,081 B1) in view of Konno et al (US – 6,273,739 B1), and in view of Michaelis et al (US – 6,106,317).

Regarding claim 1, Franck teaches a SIM card mounting structure of a mobile phone having a front side casing and a back side casing, comprising:

- A SIM card receiving recess provided in a rear surface portion of said front side casing of said mobile phone for fittingly receiving a SIM card therein (column 3, lines 11-16).

Franck does not teach:

- A pressing portion having one end integrally formed with said rear surface portion of said front side casing and the other end positioned over said SIM card receiving recess to elastically press said SIM card; and
- Electrode terminals for connecting electrodes of said SIM card to a battery, said electrode terminals being formed of elastic material and arranged on a bottom of said SIM card receiving recess in an opposing relation to said electrodes of said SIM card.

Konno teaches a pressing portion having one end integrally formed with said rear surface portion of said front side casing and the other end positioned

over said SIM card receiving recess to elastically press said SIM card (column 5, lines 3-8, and figure 1). Figure 1 clearly shows that there is an end positioned over SIM card even though it does not have one end integrally formed with rear surface, but it easily replaces the hinge, and rotation shaft to form the pressing portion and attaches it to the rear surface portion of the front side casing.

It would have been obvious to a one of ordinary skill in the art at the time of the invention was made to combine Franck's receiving recess structure with Konno's structure of having a pressing portion position over the SIM card because of the users' convenience in removing the SIM card.

Franck and Konno do not teach electrode terminals for connecting electrodes of said SIM card to a battery, said electrode terminals being formed of elastic material and arranged on a bottom of said SIM card receiving recess in an opposing relation to said electrodes of said SIM card.

Michaelis teaches electrode terminals for connecting electrodes of said SIM card to a battery, said electrode terminals being formed of elastic material and arranged on a bottom of said SIM card receiving recess in an opposing relation to said electrodes of said SIM card (column 3, lines 63-67; and column 4, lines 1-10).

It would have been obvious to a one of ordinary skill in the art at the time of invention was made to combine Franck, and Konno with Michaelis' electrode terminal structures because the SIM card has to have some type of electronic connections.

Regarding claim 2, Franck, Konno, and Michaelis teaches all the limitations of claim 1. Franck further teaches that a SIM card mounting structure as claimed in claim 1, wherein said pressing portion is formed of a plastic material (column 3, lines 38-41).

Regarding claim 3, Franck, Konno, and Michaelis teaches all the limitations of claim 2. Franck further teaches a SIM card mounting structure as claimed in claim 2, wherein said pressing portion is formed with a notch for setting elasticity of said pressing portion appropriately and for facilitating a handling operation of said SIM card (column 3, lines 29-32). Here, Franck's invention serves the same purpose as the present invention, to keep the SIM card in place.

Regarding claims 4-5, Franck, Konno, and Michaelis teaches all the limitations of claim 3. Franck further teaches that a SIM card mounting structure as claimed in claim 3, wherein said one end of said pressing portion is integrally formed on an end portion of said recess in a longitudinal or lateral direction of said mobile phone such that said pressing portion functions as a longitudinal or lateral leaf spring, respectively (figures 5-7). In figure 7, it is obvious to show that the lid acts as the pressing portion in the present invention. In addition, one of ordinary skill in the art would place the pressing portion either in longitudinal or lateral direction since the positioning direction lacks criticality to the overall function of the invention.

Regarding claim 6, Franck, Konno, and Michaelis teaches all the limitations of claim 2. Franck further teaches that a SIM card mounting structure

as claimed in claim 2, wherein said pressing portion has an opening for confirming a mounting state of said SIM card (column 3, lines 24-26).

Furthermore, Franck discloses that having an opening increases the resiliency of the pressing portion (column 3, lines 26-29).

Regarding claims 7-12, Franck, Konno, and Michaelis teaches all the limitations of claim 1-6. Franck discloses that a mobile phone having a SIM card mounting structure as claimed in claims 1-6 (column 1, lines 7-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (703) 305-0265. The examiner can normally be reached on Monday-Friday, 10:00-7:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai
Examiner
Art Unit 2681

WHC

7/12/04


ERIKA GARY
PATENT EXAMINER